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July 12, 2017

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: WC Docket No. 10-90
WT Docket No. 10-208

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this is to provide you with notice of two oral ex parte presentations in connection with the above-captioned proceedings. On July 11, 2017, Eric Preston, general counsel of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero") and undersigned counsel met with Rachael Bender and Anthony Patrone in Chairman Pai's office. On July 12, 2017, we met with Claude Aiken in Commissioner Clyburn's office.

The purpose of these meetings was to follow up on Viaero's "Petition for Waiver of Performance Default Requirements and Other Liabilities Applicable to Mobility Fund Phase I Public Interest Obligations," filed July 29, 2016 ("Petition").¹ To date, the FCC has not acted on Viaero's Petition, however USAC has, without providing any due process, imposed upon Viaero a 10% default penalty by offsetting funds due to Viaero as a result of its successful construction of other Census Tracts, unrelated to those that are the subject of Viaero's Petition.

We discussed performance impossibility in the subject Census Tracts, due to the inability of the US Forest Service and Bureau of Land Management to grant access and related rights of way for Viaero to construct cell sites on federal lands. The difficulties in obtaining

¹ See, <https://ecfsapi.fcc.gov/file/1072946205544/2016%200729%20Viaero%20Waiver%20Request%20FINAL.pdf>.

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access were not apparent on the date Viaero participated in Mobility Fund Phase I, but became clear as the Forest Service decided to revise its master plan in 2014 and thereafter. The insurmountable problems presented by the Forest Service and BLM are detailed in Viaero's Petition.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. LaFuria".

David A. LaFuria

Counsel for N.E. Colorado Cellular d/b/a Viaero Wireless

cc: Rachael Bender
Claude Aiken
Anthony Patrone
Eric Preston